

**AMENDMENTS TO THE CLAIMS:**

*This listing of claims will replace all prior versions, and listings, of claims in the application:*

**LISTING OF CLAIMS:**

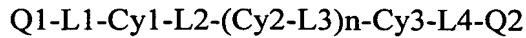
Claim 1 (Currently Amended): A biaxial liquid crystal composition containing a comprising at least one liquid crystal compound which develops a liquid crystal phase whose refractive indexes in directions of three axes are different from each other and a refractive index-controlling agent, which is capable of developing a biaxial liquid crystal phase, and has a value of  $(nx-ny)/(ny-nz)$  and a value of  $(nx_0-ny_0)/(ny_0-nz_0)$  different from each other wherein nx, ny and nz respectively represent refractive indexes along directions of three axes of the biaxial liquid crystal composition in an order of magnitude, and nx<sub>0</sub>, ny<sub>0</sub> and nz<sub>0</sub> respectively represent refractive indexes along directions of three axes of the biaxial composition obtained by excluding the refractive index-controlling agent from the biaxial liquid crystal composition in an order of magnitude.

Claim 2 (Original): The biaxial liquid crystal composition according to claim 1, wherein the value of  $(nx-ny)/(ny-nz)$  and the value of  $(nx_0-ny_0)/(ny_0-nz_0)$  satisfy the following formula (I):

$$(nx-ny)/(ny-nz) > (nx_0-ny_0)/(ny_0-nz_0).$$

Claim 3 (Original): The biaxial liquid crystal composition according to claim 1, wherein the refractive index-controlling agent contains a rod-like compound.

Claim 4 (Original): The biaxial liquid crystal composition according to claim 1, wherein the refractive index-controlling agent is represented by the following formula (I-C):



wherein Q1 and Q2 each independently represents a polymerizable group, L1 and L4 each independently represents a divalent linking group, L2 and L3 each independently represents a single bond or a divalent linking group, Cy1, Cy2 and Cy3 each independently represents a divalent cyclic group, and n represents 0, 1 or 2.

Claim 5 (Original): The biaxial liquid crystal composition according to claim 1, wherein the value of  $(nx-ny)/(ny-nz)$  and the value of  $(nx_0-ny_0)/(ny_0-nz_0)$  satisfy the following formula (II):

$$(nx-ny)/(ny-nz) < (nx_0-ny_0)/(ny_0-nz_0).$$

Claim 6 (Original): The biaxial liquid crystal composition according to claim 1, wherein the refractive index-controlling agent contains a disc-like compound.

Claim 7 (Original): The biaxial liquid crystal composition according to claim 1, wherein the refractive index-controlling agent is represented by the following formula (I-D):



wherein D represents a disc-like core, L represents a divalent linking group, Q represents a polymerizable group, and n represents an integer of 4 to 12.

Claim 8 (Original): The biaxial liquid crystal composition according to claim 1, wherein the refractive index-controlling agent is capable of developing a liquid crystal phase.

Claim 9 (Original): The biaxial liquid crystal composition according to claim 1, wherein the liquid crystal compound has a polymerizable group.

Claim 10 (Currently Amended): The biaxial liquid crystal composition according to claim 1, wherein the refractive ~~index-controlling~~ index-controlling agent has a polymerizable group.

Claim 11 (Original): The biaxial liquid crystal composition according to claim 1, wherein the biaxial liquid crystal phase which the biaxial liquid crystal composition develops is a biaxial nematic liquid crystal phase.

Claim 12 (Original): A retardation plate comprising a transparent support, an alignment film and at least one optically anisotropic layer, wherein the optically anisotropic layer is made of the biaxial liquid crystal composition according to claim 1.

Claim 13 (Original): An ellipsoidally polarizing plate containing the retardation plate according to claim 12 and a polarizing film.

Claim 14 (Original): A polymerization product obtained by polymerizing the biaxial liquid crystal composition according to claim 9.

Claim 15 (Original): A polymerization product obtained by polymerizing the biaxial liquid crystal composition according to claim 10.